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**James Freas**  
Acting Director

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**MEMORANDUM**

**DATE:** February 20, 2015

**TO:** Alderman Marcia T. Johnson, Chairman  
Members of the Zoning and Planning Committee

**FROM:** James Freas, Acting Director of Planning and Development

**RE:** #23-15 - ACTING DIRECTOR OF PLANNING & DEVELOPMENT  
requesting amendments to the official zoning map in order to correct discrepancies between Board of Aldermen actions and the boundaries of zoning districts as shown on the map and to better align zoning district boundaries with property lines and other features to reduce the number of split lots and other map anomalies.

**MEETING DATE:** February 23, 2015

**CC:** Board of Aldermen  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

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Newton's official Zoning Map was first printed in 1951. That same copy is currently used today and it is in poor condition, difficult to use and update, and appears to have a number of errors. As part of the general cleaning up and modernizing effort of the Zoning Reform, Phase 1 effort, staff from Planning, Law, and ISD, with the essential assistance of the City's GIS tech, reviewed the map, comparing it to the more geospatially accurate GIS version and to the history of board rezoning actions dating back to the original map creation. As a result of that work, staff is proposing a number of changes to the map that will allow for the creation of a new, accurate and legible, official zoning map. These changes span a range of those that can be done administratively under the authorities in the Zoning Ordinance to a number that will require action by the Board of Aldermen.

The types of corrections staff reviewed can be placed into four categories:

1. GIS Map Corrections

2. Minor Corrections Reflecting More Accurate Mapping Technology
3. Errors in the Official Map as Compared to the Legislative History
4. Proposed Map Amendments

### **GIS Map Corrections**

The original GIS data layer (the map) was not created with the intention of being the official zoning map and was therefore based on the zoning information provided in the assessor's database rather than on the official zoning map. As a result, a range of errors exist in this datalayer reflecting what are likely scriveners errors in the original database and conventions on assigning zoning to given parcels. These corrections do not require any action by the Board as this map is not currently the official map; staff includes it here only for the purposes of notification as many people rely on the digital maps to find out the zoning of their properties given the inaccessibility of the official maps and therefore may believe their zoning has changed where staff have only corrected the map.

Examples of this type of change:

- A number of misidentified zoning on particular lots.
- A number of split lots where it appears a single zoning district was assigned to parcels where there were two.

### **Minor Corrections Reflecting More Accurate Mapping Technology**

The Zoning Ordinance defines the boundaries of the zoning districts and empowers the Commissioner of Inspectional Services to determine that location where there is uncertainty, as shown below. Under this authority, and understanding that the true boundary line is meant to be lot lines and streets, all district boundaries, unless otherwise specified, will be snapped to the those lines. In some places where the old maps are particularly inaccurate, these may appear to be large changes but there is no practical impact on property owners as no one will experience a change in zoning as a result of these fixes.

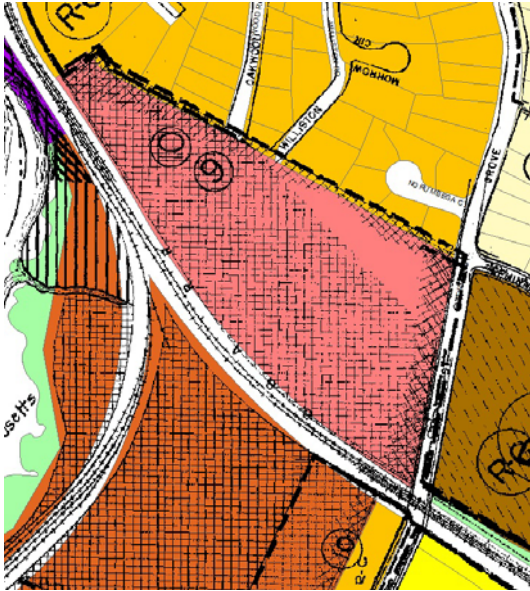
#### **1.3.3. Interpretation of District Boundaries**

- A. The boundaries of the districts are streets, property or lot lines, or other lines shown on the zoning plans adopted by Sec. 1.3.1. Where boundaries are indicated as property or lot lines and the exact position of such lines are not defined by measurements, the true locations of the property or lot lines shall be taken as the boundary lines. Where boundary lines are fixed by distances from street, property or lot lines, such measurements shall control.
- B. Whenever any uncertainty exists as to the exact location of a boundary line, the location shall be determined by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development; provided, that any person affected by his decision may appeal to the Zoning Board of Appeals in the manner provided in Sec. 7.1.6.

### **Errors in the Official Map as Compared to the Legislative History**

In researching every single rezoning action by the Board of Aldermen since the creation of the official zoning map in 1951, there are 16 examples of approved rezonings that were found to have never been recorded on the Official Map, beginning in the late 1990s through to today. This situation is

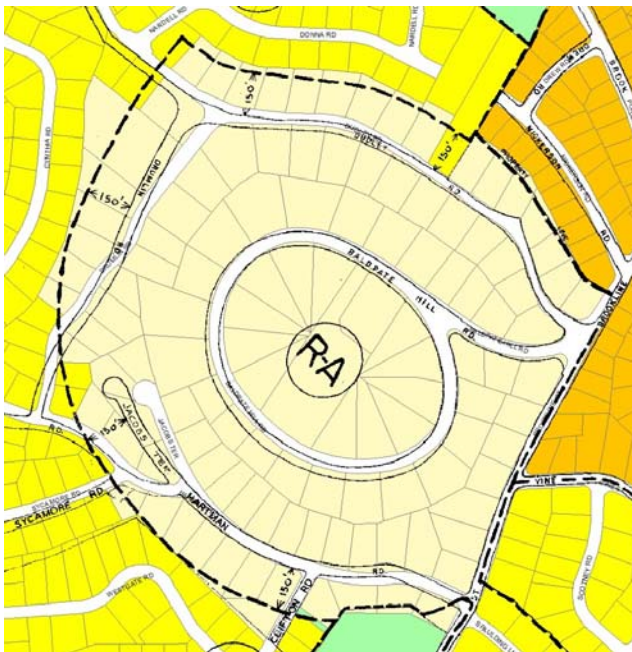
equivalent to having never published an amendment to the text of the ordinance in the Zoning Ordinance. An example is shown below and instances of these errors will be presented at the meeting. As these changes reflect past actions of the Board, no action is necessary unless desired.



This property was rezoned from Manufacturing to Business 4 in 1997 (Ord V118). The crosshatch pattern on the image to the left indicates the Manufacturing zoning district still on the Official Map.

### Proposed Map Amendments

In reviewing the official map, staff identified a number of amendments that would simplify the zoning map. These include reducing the number of split lots created by defined distances from streets and addressing some clear conflicts between existing land uses and zoning. Some examples are shown below.



The area shown on the image to the left shows the SR1 District in tan and the SR2 District in yellow. The dashed line is the boundary between these districts on the Official Map, shown as 150 feet from streets. As a result of that line established by distance rather than property line, there are a number of split lots. In this instance, it would appear to make sense rezone areas to eliminate the splits where practical.



In some places, the Zoning is incongruent with the existing land use and there is potentially no longer a reason to maintain that Zoning. In this case, the two properties shown in purple are zoned Manufacturing but occupied by single family homes. The crosshatch is the symbol for Manufacturing on the Official Zoning Map and, from the image, it is clear that these two properties were once part of a larger Manufacturing District. The uncolored area in this image is now

occupied by Route 90 and therefore, there is no longer a large Manufacturing District here and it is unlikely that use will locate here in the future.

Within this category of proposed legislative changes there are two special cases. The first are public lands, which, after review of the legislative history, should, for the most part, be shown on the Official Map as Public Land, though they are currently not. The action that created this rezoning is not clear in the record though, so staff is recommending that the Board clearly rezone these properties into the Public Lands District.

The second issue is reflected in the last image above – the Official Zoning Map does not include the highway and therefore still shows zoning applied to areas that are no longer subject to zoning. For the purposes of cleaning up the Official Zoning Map in order to create a new map that will show the highway, Staff would propose that Zoning be removed from these areas.

### Next Steps

Staff is currently requesting guidance on two questions:

- 1) What rezoning actions, if any, would the Committee like to pursue?
- 2) For those changes not requiring legislative action, what level of notification to property owners does the Committee believe to be necessary?

Staff's intention is to use this work to produce a new Official Zoning Map, which would be brought back to this Committee when it is complete. As necessary, staff would like to schedule a public hearing concurrent with the hearing for the Phase 1 Zoning Ordinance.